

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

KARLA ASCENCIO,

No. C 12-06531 LB

Plaintiff,

**ORDER TO SHOW CAUSE RE:
FAILURE TO COMPLY WITH
COURT ORDERS AND FAILURE TO
PROSECUTE**

v.

LA LOMA PRODUCE NOS 3 AND 9, INC.,
et al.,

Defendants.

On December 26, 2012, Plaintiff filed this action against Defendants alleging violations of the Americans with Disabilities Act. Complaint, ECF No. 1. Defendants answered the complaint on March 7, 2013. Answers, ECF Nos. 6-8.

On October 24, 2013, a certification of mediation was filed that states that the action settled in its entirety. Certification of Mediation, ECF No. 14. In light of this certification, on December 9, 2013 the court's clerk issued a notice directing Plaintiff, by December 12, 2013, to dismiss the action or file a case management conference statement. Clerk's Notice, ECF No. 15. The Plaintiff filed neither a dismissal nor an updated case management statement. On December 18, 2013, the court ordered Plaintiff to show cause why this action should not be dismissed for failure to prosecute it. Order to Show Cause Re: Failure to Prosecute, ECF No. 16.

On December 19, 2013, Plaintiff filed both a notice of settlement and a response to the order to show cause. Notice of Settlement ECF No. 17; Response to Order to Show Cause, ECF No. 18. In her response to the court's order to show cause, Plaintiff stated that the action had settled and that she would dismiss it by January 10, 2014. Plaintiff also asked the court to set a case management conference 30 days after the response to the order to show cause if no settlement draft had been received by that time. The court discharged the order to show cause on December 19, 2013 and set a

1 case management conference on February 6, and required the parties required to file a joint case
2 management conference statement by January 30, 2014. Order Discharging Order to Show Cause,
3 ECF No. 19. Plaintiff failed to dismiss the action by January 10 and also failed to file a joint case
4 management conference statement by January 30, 2014. *See generally* Docket. In light of these
5 failures, on January 31, 2014, the court ordered Plaintiff to file by 12:00 p.m. on February 3, 2014
6 either a stipulation of dismissal that complies with FRCP 41(a)(1)(A)(ii) or a case management
7 conference statement that includes an explanation of why the action has not been dismissed. Order,
8 ECF No. 20. Once again, Plaintiff did nothing.

9 Accordingly, in light of the Plaintiff's failure to comply with the court's orders, the court
10 **ORDERS** Plaintiff to show cause (1) why she should not be sanctioned and (2) why this action
11 should not be dismissed for failure to prosecute it. Plaintiff shall do so by filing a written response
12 no later than **5:00 p.m. on Monday, February 10, 2014**. If Plaintiff does not file a response by the
13 deadline, Plaintiff is warned that the court may impose sanctions on Plaintiff and dismiss the action
14 without prejudice.

15 **IT IS SO ORDERED.**

16 Dated: February 6, 2014



LAUREL BEELER
United States Magistrate Judge